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October 4, 2023

VIA E.C.F.

Honorable Arun Subramanian
United States District Judge
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

Re: Jeremiah Jerome Griffin v. the City of New York, et al.,
22 Civ. 8521 (AS)

Your Honor:

I am an Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department and the attorney representing defendant City of New York and Correction Officer Fatorma in this matter. Defendants write to respectfully request that the Court stay discovery in this matter pending their anticipated motion to dismiss. Plaintiff consents to this request.

By way of background, on June 16, 2023, defendants respectfully requested an extension of time to respond to Local Civil Rule 33.2 discovery requests until October 6, 2023. (See ECF No. 31.) On June 20, 2023, the Court granted defendants request. (See ECF No. 32.)

In the interim, Plaintiff filed a fourth amended complaint. (See ECF No. 34.) Today, Plaintiff informed me that he intends to file a fifth amended complaint this week or next week. If Plaintiff does not file a fifth amended complaint, defendants intend to move to dismiss the fourth amended complaint. While defendants cannot definitively make a determination on a complaint they have not seen, we anticipate that we may move to dismiss the fifth amended complaint as well. Motion practice may dispose of this case or narrow the issues, and thus narrow the scope of discovery. Given that motion practice is anticipated in this matter, defendants respectfully request that the Court stay discovery pending a decision on defendants' motion.

Defendants thank the Court for its time and consideration herein.

Respectfully submitted,

/s/ Mary Jane Anderson
Mary Jane Anderson
Assistant Corporation Counsel
Special Federal Litigation Division

CC: VIA FIRST-CLASS MAIL
Jeremiah Jerome Griffin
3039 Kingsland Ave.
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The Court will stay discovery until after an initial pretrial conference. The Clerk of Court is directed to terminate the motion at ECF No. 43.

SO ORDERED.



Arun Subramanian, U.S.D.J.
Date: October 10, 2023